

## **REMARKS/ARGUMENTS**

### **The Status of the Claims.**

Claims 1, 3, 5, 6, 8, 12 to 15, 18, and 20 to 23 are pending with entry of this amendment. Claims 2, 4, 7, 9 to 11, 16, 17 and 19 being cancelled. Claims 1, 3, 5, 6, 8, 15, 22 and 23 are amended herein. These amendments introduce no new matter and support is replete throughout the specification. These amendments are made without prejudice and are not to be construed as abandonment of the previously claimed subject matter or agreement with any objection or rejection of record.

With respect to independent claims 1, 15 and 23, the percent tRNA sequence identity has been deleted to provide allowable claims, as suggested by the Office in the final Office Action of July 9, 2008.

Other amendments are made at the suggestion of the Office with regard to informalities, such as antecedent basis or possible confusion.

Applicants submit that no new matter has been added to the application by way of the above Amendment. Accordingly, entry of the Amendment is respectfully requested.

### **35 U.S.C. §112, First Paragraph.**

Claims 1 to 3, 5, 6, 8, 12 to 16, 18 and 20 to 23 were rejected under 35 U.S.C. §112, first paragraph, for alleged lack of enablement and lack of adequate written description. To the extent the amended claims continue to be deemed inadequate, Applicants traverse.

The Office had objected to the sequence percent identity aspect in the claims. The Office had found dependent claims 4 and 17 enabled and allowable if written in independent form. Herein, Applicants have effectively provided the allowable claims in independent form as currently amended independent claims 1 and 15. The percent identity aspect has been deleted from the claims. Further, independent claim 23 has been amended to incorporate the material deemed allowable.

Because the presently amended claims have scope recognized by the Office as enabled, Applicants respectfully request withdrawal of the rejections based on section 112.

**Allowable Claims.**

Applicants appreciate the Examiner's indication that claims 4 and 17 are allowable. They have been rewritten in the suggested independent form as currently amended claims 1 and 15, respectively.

**Claim Objections.**

Claims 4 and 17 were objected to for logical inability of a tRNA to be both comprise and be encoded by the same sequence. Applicants appreciate the careful reading of the Office. Applicants have corrected the objected phraseology on incorporation of the claims into their respective independent claims.

Claims 4, 17 and 22 were objected to for certain informalities concerning the term encode. Although Applicants believe the terms were clear in the context, they have elected alternate equivalent phraseology. Applicants have amended the claims, as suggested in the Action.

Claims 3, 5, 6 and 8 were objected to for lacking particular antecedent basis regarding the "selector codon" recitation. Applicants appreciate the careful reading by the Examiner and have adjusted the claims according to the suggestions in the Action.

Because Applicants have addressed the claim objections of record, they respectfully request withdrawal of the objections.

**CONCLUSION**


Applicants have modified the claims, as suggested by the Office, to provide claims deemed Allowable. In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the claims are deemed not to be in condition for allowance after consideration of this Response, a telephone interview with the Examiner is hereby requested. Please telephone the undersigned at (510) 769-3510 to schedule an interview.

Appl. No. 10/563,656  
Response Dated December 9, 2008  
Reply to Office Action of July 9, 2008

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Respectfully submitted,



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Attachments:

- 1) A petition to extend the period of response for **2** months;
- 2) A transmittal sheet;
- 3) A fee transmittal sheet;
- 4) A Notice of Appeal; and,
- 5) A receipt indication postcard.